

MULTIMEDIA



UNIVERSITY

STUDENT ID NO

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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2018/2019

BLR 3084 – LABOUR AND INDUSTRIAL RELATIONS

(All Sections/Groups)

2nd MARCH 2019

2.30 p.m. – 4.30 p.m.

(2 Hours)

INSTRUCTIONS TO STUDENTS

1. This question paper consists of 4 pages, inclusive of the cover page
2. Answer **ALL FOUR (4)** questions.
3. Marks are shown at the end of each question.

ANSWER ALL QUESTIONS**QUESTION 1**

Discuss the following scenarios under the **Employees' Social Security Act 1969**. Advise the employees concerned, paying particular attention to all the legal issues that you need to establish in advising the employees. You **MUST** support your answer with cases.

- a. Mariam is a rubber tapper who works in Tee Rubber from 6.00 a.m to 12.00 p.m. Upon completion of her work, she proceeds to Palm and Olive Estate whereby she works as a harvester from 1.00 p.m. until 6.00 p.m. She is an insured under the SOCSO scheme. One day Mariam had to rush to her second job without having lunch. At about 4.00 p.m. she felt hungry and she requested permission from her supervisor to grab something to eat. Her supervisor agreed and told her she can take one hour off to have her food. Mariam then went to the restaurant which was 3 km away on her motorcycle. After her meal, she went back to work. Unfortunately though, she met with an accident when her motorcycle was hit by a car and was paralysed from waist down. Mariam claimed insurance from SOCSO but the Board rejected her claim. Advise Mariam.

(12 Marks)

- b. Syed works as a security guard with Gransbury Computers. Every day he picks up his colleague Roger, who lives nearby, on his motorcycle to go to work. At the end of the working day, Syed drops Roger at his house before proceeding to his own house. One evening, after work, Syed dropped Roger at his house and proceeded on his way home. Unfortunately, he met with an accident and was hospitalised for several months. Is Syed entitled to claim disablement benefits under the Act? Would your answer be different if Syed and Roger met with the accident whilst going to the cinema?

(13 Marks)

(Total: 25 Marks)

Continued.....

QUESTION 2

Explain the differences between contract of service and contract for services. Why is such a distinction important? Support your answer with statutory provisions and three decisions of the courts.

(25 Marks)

QUESTION 3

Freddie has been working for Cold Freeze Supermarket Sdn Bhd for twenty years. He joined the Supermarket in 1988 as a junior clerk earning a starting salary of RM 900.00 per month. After 7 years of service, Freddie was promoted to Marketing Manager and his salary was increased to RM 3000.00. As Marketing Manager, Freddie travelled around Malaysia, covering all the branches and offices of Cold Freeze. Freddie finally became Head of Marketing for the whole of Malaysia. As Head of Department, he had to report to the Managing Director, as other Heads of Department. He had two assistants, John and Brian working under him.

Cold Freeze appointed a new Managing Director, Paul. Paul called Freddie for a confidential meeting whereby Paul informed him that the sales of Cold Freeze dropped by 5% for the first half of 2018. This came as a surprise to Freddie as he was under the impression that sales had actually gone up, especially with the festive shopping. Paul then informed Freddie that his services are needed at the ground level to boost sales and he would now be doing the work he was doing as a Marketing Manager, a position he held 10 years ago. Paul was quick to assure Freddie that his terms and conditions of work remained unchanged. Freddie was then asked to return all his files and documents to Paul and to wait for a letter from the Human Resources Department.

Continued.....

Two days later, Freddie received a letter from Human Resource Department, giving him his new duties and his itinerary covering all the branches and offices of the whole country. He was also told that he had to file in monthly reports to John, who is now the Head of the Marketing Department. Freddie tenders in his resignation and leaves Cold Freeze.

Advise Freddie. You must advise him on the factors that he should take into consideration on the termination of his contract of employment with Cold Freeze.

Assuming Freddie follows the instructions of the HR Department and starts his new duties. One month later, Freddie realised that he was unhappy with the change in his job scope and decides to resign. Advise him on this scenario.

(25 Marks)

QUESTION 4

The workers of the gold mine industry in Malaysia seek your legal advice in the operation of trade unions in this country. Advise them on crucial industrial relations issues that they should be aware of from the initial stage of its formation, to the registration and the recognition process by the Employers.

(25 Marks)

(TOTAL: 100 Marks)

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